



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041

September 1, 2009

Chief Donald J Lee
Key West Police Department
Post Office Box 1409
Key West, FL 33041

RE: Shahdaroba Rodd
CRB# 09-006
Officers: R. Smith, D. Kouri, M. Koehane

Dear Chief Lee:

On Monday, August 24, 2009, the Citizen Review Board (CRB) reviewed the above referenced complaint and your office's two responsive memorandums of explanation dated June 3, 2009 & July 21, 2009 in which your office declined to conduct a formal investigation into this matter. We understand that your rationale for not conducting an investigation is that these professionalism issues were presumably handled in the underlying criminal matter which resulted in not-guilty jury verdicts in favor of Mr. Rodd and one guilty judgment by the judge as to the improper lane change. However, resolution of police professionalism issues are within the KWPD's internal administrative duties with the assistance of this board, and not properly deferred to criminal courts in such a case.

Without any formal investigative results, the CRB attempted to carry out its function under the City Charter in reviewing the matter and tendering a competent recommendation to your office. Officer Smith was present and available for questions, but officer Kouri and Koehane were absent from the CRB meeting and thus could not assist with their valuable insight into the matter. After considerable review, the CRB members came to the unanimous conclusion that without some type of investigation, the true nature of what transpired during Mr. Rodd's arrest is unclear. Mr. Rodd firmly believes the mistakes made in his processing by the KWPD were purposeful and calculated.

The charge against officer Randall Smith as to untruthfulness & false arrest was not acted on by the CRB because the evidence presented thus far, did not warrant any action. However, the remaining allegations are still pending against the officers as more fully explained herein. Please consider this the Board's formal request under City Charter provision 1.07(VII)(b)(6)(i) & (ii) to clarify the following issues summarized herein.


The charges of "untruthfulness" against Officers D. Kouri and M. Koehane surrounding the authorship of the document "Field Sobriety & Alcohol Influence Report" are at issue. It is unclear which officer filled out this document and if they had personal knowledge, as the document reflects, to make such representations. Further, were the representations truthful and based on road sobriety tests and/or personal observations by an officer? It is unclear as to if this one page document reflects the entire report or not. Were field sobriety tests conducted on Mr. Rodd, and if so who conducted them, where were they conducted, and was the "Field Sobriety & Alcohol Influence Report" based on those tests? At first blush, it seems that Officer Koehane had little to do with the apparent processing errors, but since there was no IA investigation how can the Board reach such a conclusion by preponderance of the evidence?

Additionally Mr. Rodd alleges that he did not receive a copy of the traffic citation(s) that Officer Kouri authored which would apparently constitute his temporary license. Further, Mr. Rodd claims that Officer Smith purposefully ignored an administrative subpoena in his related department of motor vehicle license suspension hearing. Again, for the Board to reach any recommendation on such accusations, it would need some type of investigative to establish or refute these claims.

Additionally, The Board would like to know if this DUI processing of Mr. Rodd was in accordance with the KYPD operating procedures at the time. If not, why not. If so, in your opinion do the operating procedures need to be modified to avoid such apparent clerical errors from reoccurring?

While the Board would presume the best mechanism to clear up this confusion is to secure sworn statements from the Complainant and all involved officers, the CRB will defer to your discretion at this juncture on how to secure credible answers to the above stated questions that meet some level of evidentiary value.

Thank you for your continued attention to this matter.
Respectfully,



Bryan Green
Chairman

Chief Donald Lee
September 1, 2009
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cc: Jim Scholl, City Manger
Mr. Shahdaroba Rodd
Officer R. Smith
Officer D. Kouri
Officer M. Koehane